

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

John P. Brown, et al.,)	
)	C.A. No.: 2:00-3215-RBH
Plaintiff,)	
)	
vs.)	ORDER
)	
State of South Carolina, et al.,)	
)	
Defendants .)	
_____)	

This matter is before the court on motion by plaintiff Daniel Archie Jones to stay substitution, docket entry #430.

By Order dated January 3, 2008, this Court ordered that, unless an appropriate party makes a motion under Fed. R. Civ. P. 25 for substitution as to the deceased parties listed below by February 8, 2008, an Order would be entered dismissing the deceased parties. Those deceased parties were:

Tony Brooks
John P. Brown
James E. Ellison
Jake Elmore
Nathan J. Jones
Willie Miller
Harold G. Moss

Plaintiff Daniel Archie Jones has filed a motion to stay substitution, alleging that he wishes to attempt to locate any heirs or survivors of the deceased parties.¹ However, Plaintiff does not

¹ Plaintiff filed his motion on February 19, 2008. However, the court is considering it to be timely due to the fact that the Magistrate's Report contained two conflicting deadlines for filing a motion to substitute, February 8 and February 29.

indicate that he is a personal representative or heir of these parties. “An individual unquestionably has the right to litigate his own claims in federal court. . . *See* 28 U.S.C. § 1654. . . The right to litigate for oneself, however, does not create a coordinate right to litigate for *others*. . . The reasoning behind this rule is two-fold; it protects the rights of those before the court. . . and jealously guards the judiciary’s authority to govern those who practice in its courtrooms.” *Myers v. Loudoun County Public Schools*, 418 F.3d 395, 400 (4th Cir. 2005). Accordingly, plaintiff lacks standing to file a motion to substitute as to the deceased parties. Therefore, the motion to stay substitution is denied.

Since no motion has been filed to substitute the legal representatives of the deceased parties, those parties are now dismissed from the action. Those parties are: Tony Brooks, John P. Brown, James E. Ellison, Jake Elmore, Nathan J. Jones, Willie Miller, and Harold G. Moss.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
March 10, 2008